

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMISSIONS IMPORT EXPORT S.A.,

Petitioner,

-against-

BNP PARIBAS, BNP PARIBAS NEW YORK
BRANCH,

Non-Party Respondents.

Case No. 14 MISC. 00327

**DECLARATION OF CARMINE D. BOCCUZZI IN OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL DISCOVERY AND IN SUPPORT OF THE MOTION OF BNP
PARIBAS AND BNP PARIBAS, NEW YORK BRANCH TO QUASH THE SUBPOENAS
AND VACATE RESTRAINING NOTICE**

Pursuant to 28 U.S.C. § 1746, I, Carmine D. Boccuzzi, hereby declare as follows:

1. I am a partner at the law firm of Cleary Gottlieb Steen & Hamilton LLP and am counsel for non-parties BNP Paribas and BNP Paribas, New York Branch. I submit this declaration in opposition to plaintiff's motion to compel discovery and in support of BNP Paribas and BNP Paribas, New York Branch's motion to quash the subpoenas and vacate restraining notice.

2. Attached as Exhibits A through AA are true and correct copies of the following documents:

Ex.	Document
A	Subpoena to Produce Documents from Grossman LLP, dated June 27, 2014, in <i>Commissions Import Export S.A. v. Republic of the Congo</i> , No. 14 MISC. 0187 (S.D.N.Y.);
B	Responses and Objections of Non-Party BNP Paribas, New York Branch to Plaintiff's Subpoena for Documents July 17, 2014, in <i>Commissions Import Export S.A. v. Republic of the Congo</i> , No. 14 MISC. 0187 (S.D.N.Y.);

Ex.	Document
C	Subpoena to Testify at a Deposition from Grossman LLP, dated August 21, 2014, in <i>Commissions Import Export S.A. v. Republic of the Congo</i> , No. 14 MISC. 0187 (S.D.N.Y);
D	Responses and Objections of Non-Party BNP Paribas, New York Branch to Plaintiff's Subpoena for Deposition, dated August 28, 2014, in <i>Commissions Import Export S.A. v. Republic of the Congo</i> , No. 14 MISC. 0187 (S.D.N.Y);
E	Email from Diego Zambrano to Judd Grossman, dated August 28, 2014
F	BNPP Annual Report (2013) (excerpts);
G	Letter from Judd Grossman to Carmine Boccuzzi, dated July 24, 2014;
H	Letter from Carmine Boccuzzi to Judd Grossman, dated August 4, 2014;
I	Letter from Judd Grossman to Carmine Boccuzzi, dated August 5, 2014;
J	Letter from Carmine Boccuzzi to Judd Grossman, dated August 8, 2014;
K	Letter from Carmine Boccuzzi to Judd Grossman, dated August 15, 2014;
L	Letter from Judd Grossman to Carmine Boccuzzi, dated August 29, 2014;
M	Letter from Carmine Boccuzzi to Judd Grossman, dated September 2, 2014;
N	ICC Arbitral Award, dated January 21, 2013;
O	Petition to Confirm Arbitral Award, dated May 15, 2013;
P	Award Confirmation, dated October 9, 2013;
Q	Declaration of Chantal Cutajar re: French law and annexes, dated June 6, 2012, filed in <i>In re: Fairfield Sentry Ltd., et al.</i> , Adv. Pro. No. 10-03496;
R	French Blocking Statute, Law no. 80-538 of July 16, 1980 French Blocking Statute, Law no. 80-538 of July 16, 1980;
S	Declaration of Blossom Hing re: Singaporean law and annexes, dated June 7, 2012, filed in <i>In re: Fairfield Sentry Ltd., et al.</i> , Adv. Pro. No. 10-03496;
T	Declaration of Prof. Pierre Henri Conac re: Luxembourg law and annexes, dated June 7, 2012, filed in <i>In re: Fairfield Sentry Ltd., et al.</i> , Adv. Pro. No. 10-03496;

Ex. Document

- U Memorandum of the Federal Reserve Bank of New York as *Amicus Curiae* in Support of Respondents in *Samsun Logix v. Corp. v. Bank of China*, No. 105262-2010, dated November 16, 2010;
- V Memorandum of the Clearing House Association, L.L.C. and the Institute of International Bankers as *Amicus Curiae* in Support of Respondents in *Samsun Logix v. Corp. v. Bank of China*, No. 105262-2010, dated November 16, 2010;
- W Cour de Cassation [Cass.][French Supreme Court], 1e, Jan. 25, 2005, no. 03-18.176 (French version);
- X Cour de Cassation [Cass.][French Supreme Court], 1e, Jan. 25, 2005, no. 03-18.176 (English Version);
- Y Code des procédures civiles d'exécution, art. L111-1 (Fr.);
- Z English Translation of Article L111-1 of the French Code Of Civil Procedures for Execution.
- AA *In re Fairfield Sentry Ltd.*, No. 10-13164 (BRL), Bench Ruling (S.D.N.Y. July 19, 2012).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 14, 2014
New York, New York

/s/ Carmine D. Boccuzzi
CARMINE D. BOCCUZZI, JR.